

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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D. KRESS, *individually and on behalf of those  
similarly situated,*

No: 1:19-cv-18985

Plaintiffs,

v.

FULTON BANK, N.A.,

Defendant.

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**NAMED PLAINTIFF'S MOTION  
FOR PRELIMINARY APPROVAL OF CLASS AND COLLECTIVE SETTLEMENT  
AND PROVISIONAL CERTIFICATION OF SETTLEMENT CLASS AND  
COLLECTIVE**

For the reasons set forth in the attached Memorandum of Law in Support of this Motion, Plaintiffs respectfully request this Court enter an Order:

1. Granting Preliminary Approval of the Settlement Agreement and Release;
2. Provisionally certifying the Settlement Collective under Section 216(b) of the Fair Labor Standards Act for the purposes of effectuating the settlement;
3. Provisionally certifying the Settlement Class under Federal Rule of Civil Procedure 23(a) and 23(b)(3) for purposes of effectuating the settlement;
4. Appointing Swartz Swidler, LLC as Class Counsel;
5. Appointing Plaintiff Kress as Class Representative;
6. Appointing Epiq as the Administrator of the settlement;
7. Approving the proposed Notices of Settlement and Claim Form and directing their distribution in accordance with the Settlement Agreement;
8. Approving the language of Claim Form and Check Opt-In Form as sufficient under 29 U.S.C. § 216(b) to constitute consent to join the lawsuit for settlement purposes only and to release the Released Claims; and

9. Scheduling a Final Settlement Fairness Hearing.

Respectfully submitted,

/s/ Matthew Miller

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